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Ms. Jeanine Townsend, Clerk of the Board
Executive Office, State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

RE: Comment Letter – Proposed Recycled Water Policy

Dear Ms. Townsend:

The purpose of this letter is to offer comments to the November 4, 2008 Draft of the Proposed Recycled Water Policy. As a general comment, the policy appears to be a credible effort to begin the attempt to resolve many complex and inter-related issues. Ideally, the citizens of the State, the State Water Board, and the legislature will at some point choose to address the causes, rather than just the symptoms, of the water crises that have been facing Californians for over 100 years.

As a more specific comment, the Policy should be tied more closely to Resolution No. 68-16 and California Water Code Section 13523.5 – the salinity exception. Section 3 "Benefits of Recycled Water" should specifically address Resolution No. 68-16 to clarify the "maximum benefit to the people of the State". The current language of Section 3 leaves the question of maximum benefit unclear. Is the maximum benefit to the people no further degradation, no further water recycling that causes degradation, and/or no further new demands on the State's limited freshwater resources that have caused water crises for over 100 years? California Water Code Section 13523.5 needs to be discussed in Section 6 "Salt/Nutrient Management Plans".

Additionally, we provide the following comments and requests for clarification. Where appropriate, comments are addressed by section, paragraph, sub-paragraph and line number for clarity (e.g. Section 4, paragraph a., sub-paragraph (1), lines number 89 through 91 is written Section 4.a.(1) #89-91).

Section 6.b(2) #227-229 should be expanded to clarify methods that will be used to determine whether water quality objectives for salts or nutrients are being, or are threatening to be, exceeded in a groundwater basin. Water quality in a groundwater basin varies spatially and temporally, especially in shallow groundwater that is impacted by agriculture, effluent reclamation, etc. A single year to meaningfully consider adoption of implementation plans that have a major impact on otherwise lawful overlying land uses (e.g., irrigated agriculture) is unrealistic, in general, but is particularly unrealistic considering that the basis for determining water quality in the groundwater basin is not clearly defined.

Section 6.b(3) #270-271 should be clarified to state that managing the salt load includes activities that concentrate existing salt (e.g., evaporation) as well as activities that add new salt (e.g., fertilizer use).

Section 7.a. # 286-291 does not clarify if supplementary regulatory instruments will be required for incidental runoff in addition to the proposed waste discharge requirements for landscape irrigation projects. If additional regulatory instruments are required or their need is determined on a case by case basis for each project, the benefit of streamlined permitting proposed in the policy may be limited.

Section 7.a. (4) # 298-300 indicates that no discharge should occur from a pond unless the discharge occurs as a result of a large storm event (25 yr, 24 hr storm or greater) and is previously approved by the Executive Officer. This section needs to be clarified with respect to its relevance to storage ponds, considering current design conditions for containment during a 1-in-100 year precipitation season, and two feet of freeboard requirements. As written, the draft Policy suggests that recycled water ponds could be designed and constructed to provide considerably less containment than currently practiced in some regions of the State.

Section 7.b(3) #313-320 is "toothless" because there is no specified consequence to the State for not considering a project in the allotted time. The Regional Water Boards are currently understaffed to complete their current workloads in the allotted time.

Section 7.c. (2) # 343-344 indicates that recycled water application should be at agronomic rates and not occur when the soil is saturated. Sustainable irrigation, regardless of water source, requires some excess irrigation to remove salts from the root zone (i.e. leaching requirement). This process generally requires application during saturated conditions to be effective and is a widely practiced and required process in agronomy. It is recommended that this section be modified to allow for an appropriate leaching requirement. Additionally, although deep percolation in excess of a leaching requirement has no agronomic benefit, it may be necessary to reduce the salt concentration of natural recharge occurring beneath an irrigated area and to meet the goals of basin salt and nutrient management plans.

Please feel free to call if you desire any further clarification of these comments.

Sincerely,

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Richard E. Stowell, Ph.D., P.E.
Principal